

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**MILISA STONER,**

**Plaintiff,**

**v.**

**ROBERT MOUNT and  
PROGRESSIVE DIRECT  
INSURANCE COMPANY,**

**Defendants.**

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**Civil Action No.: 3:18-cv-516**

**DEMAND FOR TRIAL BY JURY**

**COMPLAINT**

COMES NOW, the Plaintiff in the above-styled action, and for the relief hereinafter sought, respectfully shows unto this Honorable Court as follows:

**JURISDICTION**

1. A controversy exists between the Plaintiff and Defendants involving more than Seventy-Five Thousand Dollars. (\$75,000.00).
2. Jurisdiction in this case is based upon diversity of citizenship (28 U.S.C. § 1332).

**PARTIES**

3. Plaintiff, Milisa Stoner, is an individual over the age of nineteen (19) years who resides in Wayne County, Georgia.

4. Defendant, Robert Mount, is an individual over the age of nineteen (19) years who resides in Lee County, Alabama.

5. Defendant, Robert Mount, at all times pertinent to this civil action, owned, operated and maintained the 2015 Nissan Frontier (VIN# 1N6AD0CU5FN720264) that caused the collision on April 29, 2017 forming the basis of Plaintiff's Complaint.

6. Defendant, Progressive Direct Insurance Company, upon information and belief, is an Ohio corporation, with its principle place of business in Ohio, which at all times pertinent to this civil action, was operating in and conducting business within the State of Alabama.

7. Defendant, Progressive Direct Insurance Company, provided uninsured and/or underinsured motorist automobile coverage to Plaintiff on the date of the collision forming the basis of Plaintiff's Complaint.

### **FACTUAL ALLEGATIONS**

8. Plaintiff adopts and incorporates paragraphs one (1) through seven (7) above, as if fully set out herein.

9. On April 29, 2017, at approximately 12:27 P.M., Plaintiff, Milisa Stoner, was the passenger in a 2001 Nissan Xterra traveling West on Highway 14 in Lee County, Alabama.

10. At the same time and place, Defendant, Robert Mount, was operating a 2015 Nissan Frontier traveling North on Lee Road 57 in Lee County, Alabama, when he failed to yield to Plaintiff's right of way and allowed his vehicle to collide with the vehicle occupied by Plaintiff, Milisa Stoner, at the intersection of Lee Road 57 and Highway 14.

11. As a direct and proximate consequence of the collision described in paragraph ten (10) above, the Plaintiff, Milisa Stoner, was caused to suffer injuries and damages as described with particularity in paragraph fifteen (15) below.

**COUNT ONE**  
**NEGLIGENCE/WANTONNESS**

12. Plaintiff adopts and incorporates paragraphs one (1) through eleven (11) above, as if fully set out herein.

13. At the time of the collision forming the basis of this civil action, Defendant, Robert Mount, had a duty to refrain from operating a motor vehicle on a public roadway in a negligent or wanton manner.

14. Defendant, Robert Mount, breached his duty by negligently or wantonly causing or allowing his motor vehicle to collide with the vehicle occupied by Plaintiff, Milisa Stoner, as evidenced by the following conduct:

- a. Defendant failed to ensure that he had adequate line-of-sight of other vehicles and obstructions in his path;

- b. Defendant failed to maintain a proper lookout for warnings, other vehicles and obstructions; and
- c. Defendant failed to yield to the right-of-way of the Plaintiff.

15. As a direct and proximate consequence of the conduct of Defendant, Robert Mount, Plaintiff, Milisa Stoner, was caused to suffer injuries and damages, including, but not limited to:

- a. The Plaintiff was caused to suffer injuries to her person that were and are attended by physical pain and suffering;
- b. The Plaintiff was caused and will be caused in the future to incur medical expenses in an effort to treat and cure her injuries;
- c. The Plaintiff suffered permanent injuries and disfigurement; and
- d. The Plaintiff suffered mental anguish and emotional distress.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Milisa Stoner, requests that the jury selected to hear this case render a verdict for the Plaintiff and against Defendant, Robert Mount, for compensatory damages in an amount that will adequately compensate the Plaintiff for the injuries and damages sustained due to the Defendant's conduct, and for punitive damages in an amount that will adequately reflect the enormity and wrongfulness of the Defendant's conduct and deter similar future conduct. Furthermore, the Plaintiff requests that the Court enter a judgment consistent

with the jury's verdict, together with interest from the date of the judgment and the costs incurred in prosecuting this lawsuit.

**COUNT TWO**  
**UNDERINSURED /UNINSURED MOTORIST COVERAGE**

16. Plaintiff adopts and incorporates paragraphs one (1) through fifteen (15) above, as if fully set out herein.

17. On April 29, 2017, at the time of the occurrence forming the basis of Plaintiff's Complaint, there was in full force and effect a policy of automobile insurance issued by Defendant, Progressive Direct Insurance Company, which provided uninsured and/or underinsured motor vehicle insurance coverage to Plaintiff, Milisa Stoner.

18. At the time of the occurrence forming the basis of the Plaintiff's Complaint, Plaintiff was occupying the 2001 Nissan Xterra (VIN# 5N1ED28T01C515533) carrying the uninsured and/or underinsured motor vehicle insurance coverage referenced in paragraph seventeen (17) above.

19. Plaintiff, Milisa Stoner, has charged Defendant, Robert Mount, with negligent or wanton operation of a motor vehicle directly and/or proximately causing the injuries and damages she suffered in the incident forming the basis of Plaintiff's Complaint, including, but not limited to:

- a. The Plaintiff was caused to suffer injuries to her person that were and are attended by physical pain and suffering;

- b. The Plaintiff was caused and will be caused in the future to incur medical expenses in an effort to treat and cure her injuries;
- c. The Plaintiff suffered permanent injuries and disfigurement;
- d. The Plaintiff suffered mental anguish and emotional distress; and
- e. The Plaintiff suffered past, present and future lost earnings and lost earning capacity.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Milisa Stoner, demands judgement against Defendant, Progressive Direct Insurance Company, for those damages in excess of the policy limits provided to Defendant, Robert Mount, up to the amount of insurance provided by Progressive Direct Insurance Company.

**Dated:** This, the 16<sup>th</sup> day of May, 2018.



D. Brett Turnbull (asb-2569-d43t)

J. Curt Tanner (asb-1041-t80w)

*Attorneys for the Plaintiff*

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**TO CLERK: PLEASE SERVE DEFENDANT VIA CERTIFIED MAIL:**

**Robert Mount**  
3342 Lee Road 56  
Auburn, AL 36830

**Progressive Direct Insurance Company**  
c/o CT CORPORATION SYSTEM  
2 North Jackson Street  
Suite 605  
Montgomery, AL 36104